

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

By the above amendment Claim 7 has been amended to overcome the indefiniteness rejection under 35 U.S.C. § 112, second paragraph. Claim 1 has been amended to include a structural feature, the supporting structure "being laterally spaced past the edge of the canopy so as to permit substantially unobstructed access to the sheltered area." The structural feature was added to Claim 1 simply to provide additional recitation of structure to support the limitation made in the originally filed Claim 1 in which the "supporting structure...permitting unobstructed access to the sheltered area" was recited.

It is noted that none of the relied upon references provide an unobstructed access to the sheltered area, as the canopy is supported by one or more structural supports under the canopy and within the sheltered area, thereby obstructing access to automobiles entering and exiting the sheltered area. For example, the rejection under § 102(b) of Claims 1-4 over Dinwoodie is improper in that the two support structures are clearly within the central portion of the canopy sheltered area, see Fig. 6. Similarly, the drive-in canopy sheltered area of D 192,723 also is obstructed by the support posts, and moreover fails to teach or otherwise suggest the combination of an unobstructed sheltered area with a photovoltaic device on the canopy, as claimed.

Since all of the rejections are based on one or the other of these two design patent references, it is respectfully suggested that none of the cited references provide this combination, whether taken together or separately, and thus, the claims, as amended, and indeed, even before amendment, distinguish the teachings of the relied upon prior art references.

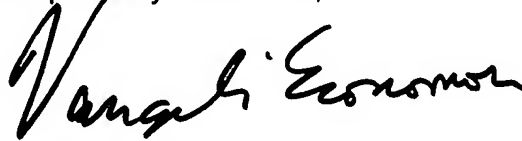
Additionally, there is no separate teaching or suggestion to combine the references, as proposed in the Office Action, that would render the rejected Claims 1-16 obvious. It is well recognized that hindsight reasoning, where bare elements of several prior art references, taken out of context and inserted into a mosaic or plan that is taught only by the applicant's invention, is an improper standard. Thus all of the

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rejections of Claims 1-16 based on such combinations are improper as resulting from improper hindsight reasoning.

For these reasons, all of the rejections are improper and reconsideration and withdrawal thereof are respectfully requested and an indication of allowance is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vangelis Economou", written in a cursive style.

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